

Findings

GENERAL PLAN/CHARTER FINDINGS

The proposed Code amendment is consistent and not in conflict with the General Plan or City Charter. The proposed Code amendment focuses solely on the reorganization of processes and procedures, and does not affect land use or development. As such, the proposed Code amendment is a neutral, administratively focused action that is consistent and not in conflict with the General Plan and City Charter.

Therefore, Charter Section 558 does not apply to the Code amendment because the proposed ordinance does not concern:

- 1) the creation or change of any zones or districts for the purpose of regulating the use of land;
- 2) zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances;
- 3) private street regulations;
- 4) public projects; and
- 5) the acquisition of, change of area or alignment to, abandonment of, or vacation of any public right of way, park, playground, airport, public building site or other public way, ground or open space, but not including easements for sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.

Charter Section 556 also does not apply because it only pertains to items listed in Charter Section 558, which, in this instance, does not include the proposed Code amendment.

CEQA FINDINGS

Pursuant to Section 15061(b)(3) and/or Section 15378(b)(5) of the California Public Resource Code, the Department of City Planning has determined that the proposed Code amendment is not a Project for purposes of the California Environmental Quality Act (CEQA). The proposed Code amendment modifies administrative procedures for the processing of entitlement requests and appeals and has no effect on the land use regulation of the physical environment.

Pursuant to Section 15061(b)(3), the proposed Code amendment is not a project under CEQA, because "the activity is covered by the general rule that CEQA applies only to

projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The proposed Code amendment is also not a project under CEQA pursuant to Section 15378(b)(5), because “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” are not considered a Project. The proposed Code amendment does not change any discretionary actions into non-discretionary actions. Therefore, the proposed Code amendment will continue to ensure that projects meet all procedural requirements of CEQA, and that impacts are analyzed and environmental mitigations are imposed where necessary and appropriate. Furthermore, the proposed Code amendment does not change the zoning of any properties. The proposed changes are limited to administrative procedures and will not have an effect on the physical environment. Therefore, the proposed Code amendment does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The Code amendment also meets the requirements of the Class 8 Categorical Exemption pursuant to CEQA Guidelines, Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to ensure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

Therefore, the Code amendment is not considered a “Project” under CEQA. However, if it were a project, it would be exempt from CEQA under the Class 8 Categorical Exemption and none of the exceptions to exemption under CEQA Guidelines Section 15300.2 apply.